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ONE HUNDRED NINTH CONGRESS

# Congress of the United States

## House of Representatives

### COMMITTEE ON THE JUDICIARY

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<http://www.house.gov/judiciary>

September 1, 2005

The Honorable David M. Walker  
Comptroller General of the United States  
U.S. Government Accountability Office  
441 G Street, NW  
Washington, DC 20548

Dear Mr. Walker:

We are writing to request that the Government Accountability Office investigate allegations that political pressure has been applied to alter substantively the treatment of studies undertaken by the Bureau of Justice Statistics of the Department of Justice ("BJS") and program funding by the National Institute of Justice ("NIJ"). Specifically, we request that you investigate: 1) changes in the scope, methodology and conclusions found in the 1996, 2001 and 2005 Public-Police Contact Surveys; 2) compliance with any agency study publication guidelines; 3) any procedural changes made in BJS guidelines since January 2001 requiring additional oversight by political appointees 4) whether the transfer of the BJS Director, or other staff, was in compliance with civil service regulations and 5) whether procedural changes in the NIJ grant application process have resulted in any changes in program funding levels at the institutional level.

Allegations of political tension within the Justice Department's statistical (BJS) and research (NIJ) agencies can be traced back to an August 2002 column by Robert Novak which alleges that the directors of these agencies have liberal agendas that undermine the administration's broader political agenda.<sup>1</sup> The strong implication of this editorial was that political appointees should attempt to rein in these agencies to more closely fit the agenda of the administration. In fact, a subsequent report by Fox Butterfield the following September detailed attempts by the administration to formally inject political appointees into the process of approving the release of reports or making research grants.<sup>2</sup>

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<sup>1</sup> See Robert Novak, *John Ashcroft's Liberals*, 2002 Creators Syndicate, Inc., August 15, 2005, available at Townall.com.

<sup>2</sup> See Fox, Butterfield, *Justice Department Increasing Control of Crime Data*, N.Y. Times, September 22, 2002, at A4.

Given the overtly political objectives that have been aimed at what were ostensibly independent agencies, we are deeply troubled by reports published in the New York Times and the Washington Post alleging that the agency director, Lawrence A. Greenfeld, was demoted for insisting that data on aggressive police treatment of blacks and Hispanics be included in a press release announcing the results of the most recent Public-Police Contact Survey. Sources from within the agency were reported to have alleged that senior political officials sought to highlight conclusions in a proposed press release showing that black and Hispanic drivers were equally as likely to be stopped by the police as were white drivers, while eliminating any discussion of data showing that, once stopped, police officers acted in a more aggressive manner toward black and Hispanic drivers. Failure to discuss both data sets would yield an incomplete and deceptive description of the results of this critical study of the issue of racial profiling and traffic stops. Mr. Greenfeld apparently sought to include provide a more accurate description of the study by including both pieces of relevant information in the press release.

President Bush called for an end to racial profiling in 2001, and we have introduced comprehensive legislation in the United States Congress to achieve that goal. The results of this Public-Police Contact Survey and BJS's 2001 analysis of this subject matter provide important evidence of continuing bias against minorities by law enforcement officers. In fact, the 2001 study was cited in the findings section of our legislation, the "End Racial Profiling Act." The current report is particularly valuable because not only did it find an increase in racially disparate treatment after traffic stops, it also found a significant increase in the use of force by police in all encounters. These news reports, however, raise issues as to whether the methodology and conclusions of the most recent study have been compromised by political pressure.

It is essential that the Department of Justice be forthcoming about these troubling statistics. Reports of delays in the release of reports or politicization of research funding only undermines our confidence in the validity of the Department's efforts. We strongly believe that such data collection and analysis is the only means through which we can understand and confront the insidious problem of racial profiling. Transparent and accurate statistics also represent the only means through which we can judge our progress in our continuing effort to end racial profiling. The integrity and independence of statistical studies that inform the drafting and enforcement of our nation's laws cannot be overstated.

While individuals may disagree about particular interpretations of a statistical study, there can be no doubt that all of the data and all of the statistical conclusions must be completely transparent. It is likewise essential that all data and statistical conclusions be free from political manipulation. As such, BJS must maintain a level of independence and integrity beyond that found in most other sections of the Department. For these reasons, we request that the GAO examine and report on the following:


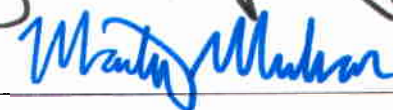
- (1) Changes in the scope, methodology and conclusions found in the 1996, 2001 and 2005 Public-Police Contact Surveys;

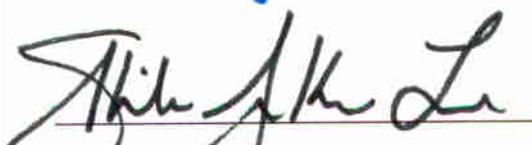
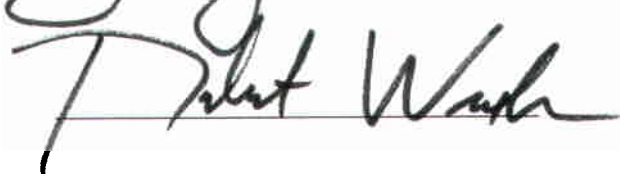
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- (2) The guidelines, if any, for publicizing the completion and conclusions of any report or study undertaken by BJS, and any other statistical reporting agency of the Department of Justice or comparable federal agency, and whether they were followed for the 2005 Public-Police Contact Survey;
- (3) Any procedural changes made in the BJS process since January 2001 requiring additional oversight by political appointees in the process of briefing, reviewing or approving the release of a report or related information; the delay created by any additional level bureaucratic oversight and the types of changes made to those publications under review;
- (4) Civil service disciplinary, whistleblower and transfer regulations governing BJS and whether they were appropriately applied to Lawrence Greenfeld's removal as agency director;
- (5) Any procedural or substantive changes made in the NIJ process since January 2001 for making research grants that require additional oversight, review or approval by political appointees; the delay or additional cost created by any additional level bureaucratic oversight and a summary of the result of grant applications.

The integrity and independence of statistical studies that inform the drafting and enforcement of our nation's laws cannot be overstated. At stake here is fundamental accountability for the nation's rapidly growing police powers, especially the power to search and restrain ordinary citizens. We thank you for your immediate attention to this matter and look forward to meeting with you as soon as possible to discuss our proposal. Please contact Keenan Keller of the Democratic staff of the Committee on the Judiciary at 202-225-6906 to agree upon a meeting date concerning this request.


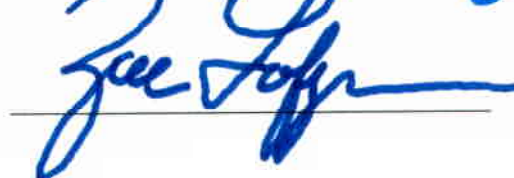
Very truly yours,





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William Delahunt

Bobby Gatt

Melvin R. Watt